

ADMINISTRATIVE - INTERNAL USE ONLY

From the Desk of Linda C. Cipriani

NOTE FOR: J. Barry Harrelson
FROM: Linda C. Cipriani
DATE: 12/21/95 06:19:45 PM
SUBJECT: JFK - Postponed Release Dates

I looked over the Board's press release of 12/20/95 which you faxed to me this morning. You asked me whether the Board had the power to set future "release dates" of postponed documents as stated in the final paragraph of page 2.

Based on my review of the JFK Act, the Board's statement that it is their responsibility to set "postponed release dates" is not quite accurate. When the Board decides to postpone a document, it also sets a date or condition for future disclosure. (JFK ACT Sec. 9(3)(B)). At that time, the originating agency and the Archivist review the document again. (JFK ACT Sec 5(g)(1)). Although it is obviously the Board's hope that the document ultimately gets released in full, the agency and Archivist will have the power to continue to postpone release if necessary. Any decisions to continue postponement, however, must be supported by a written unclassified statement that will be published in the Federal Register.

As you are well aware, all records shall be released in full by 2017. However, even then, the agency can always appeal to the President. Postponement is possible beyond 2017 if the President certifies that it is necessary to prevent an identifiable harm to military defense, intelligence, law enforcement or foreign relations and that harm outweighs the public interest in disclosure.

In sum, it would be more accurate to state that the Board is setting future "review" dates and not "release dates".

I hope this answers your question. If you have any further questions, let me know.

CC:

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